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**FILED BY FAX**  
**ALAMEDA COUNTY**  
 January 27, 2012

CLERK OF  
 THE SUPERIOR COURT  
 By Catherine Green, Deputy

CASE NUMBER:  
**RG12614786**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF ALAMEDA

BRITTENY STARLING,

Plaintiff,

vs.

ZETA PHI BETA SORORITY, INC., a Not-  
 for-Profit Corporation of the State of Illinois;  
 PACIFIC REGION OF ZPB; NUI BROWN,  
 an Individual; GAMMA BETA CHAPTER  
 OF ZPB; TANYA FITZGERALD, an  
 Individual; AMBER BOYD, an Individual;  
 MIRACLE HUSBAND, an Individual;  
 CAMEO MOTLEY, an Individual; RACHEL  
 OWEN, an Individual; IESHIA  
 SHEPPHARD, an Individual; LETITIA  
 SMITH, an Individual; VICTORIA WALL, an  
 Individual; REGENTS OF THE  
 UNIVERSITY OF CALIFORNIA, California  
 governmental entity; and DOES 1 to 50  
 inclusive,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES:

1. ASSAULT AND BATTERY
2. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS
3. NEGLIGENCE PER SE – HAZING IN  
VIOLATION OF CALIFORNIA PENAL  
CODE § 245.6
4. NEGLIGENCE

PLAINTIFF DEMANDS TRIAL BY JURY

COMES NOW Plaintiff, BRITTENY STARLING, who hereby submits her Complaint as follows:

### INTRODUCTORY ALLEGATIONS

- 1  
2 1. Plaintiff, BRITTENY STARLING (hereinafter referred to as "Plaintiff" or "STARLING"), is  
3 and was at all times mentioned herein, a resident of the County of Alameda, State of  
4 California.  
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- 6 2. Plaintiff is informed and believes and thereon alleges that Defendant ZETA PHI BETA  
7 SORORITY, INC., ("ZPB") is a non-for-profit corporation existing under the laws of the  
8 State of Illinois, with its headquarters in Washington, D.C., and is doing business in the  
9 County of Alameda, State of California. Defendant ZPB is a national organization which  
10 includes individual members at both the national and regional levels, and at local graduate and  
11 undergraduate chapters throughout the United States. Ms. STARLING is informed and  
12 believes that ZPB acts through its chapters, including the undergraduate GAMMA BETA  
13 CHAPTER ("GAMMA BETA") located at the University of California, Berkeley ("UC  
14 Berkeley"). STARLING is informed and believes that GAMMA BETA is part of the  
15 PACIFIC REGION. Ms. STARLING is informed and believes that at all relevant times  
16 mentioned herein, PACIFIC REGION was the specific region chapter responsible for  
17 monitoring and overseeing the activities of all ZPB graduate and undergraduate chapters in  
18 California, including GAMMA BETA discussed below. Such monitoring and oversight  
19 including all activities relating to the recruitment, pledging, and hazing of new members into  
20 these chapters.  
21
- 22 3. Ms. STARLING is informed and believes that at all relevant times mentioned herein, ZPB  
23 appointed a graduate advisor who would be located in close proximity to the undergraduate  
24 chapters for the purpose of counseling and overseeing members and prospective members of  
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1 ZPB. At all relevant times, STARLING was informed and believed that Defendant AMBER  
2 BOYD was the Graduate Advisor for her undergraduate chapter, GAMMA BETA.

3 4. At all relevant times mentioned here, Defendant GAMMA BETA was an unincorporated  
4 fraternal organization, organized and existing under the laws of the State of California, doing  
5 business in Alameda County, with its headquarters in Berkeley, California. Ms. STARLING  
6 is informed and believes that GAMMA BETA was an active undergraduate chapter of ZPB  
7 and was the specific undergraduate chapter responsible for monitoring and overseeing the  
8 activities of its ZPB members relating to recruitment, pledging, and hazing of new members  
9 into the GAMMA BETA.  
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11 5. Ms. STARLING is informed and believes that at all relevant times mentioned here, ZPB, the  
12 PACIFIC REGION, GAMMA BETA, its members, and its agents assisted in the recruitment  
13 of potential new members into the ZPB sorority, by guaranteeing to its potential new  
14 members, including Ms. STARLING, that there would be no risk of danger, harm, or injury to  
15 anyone participating in the recruitment and pledging process to join the ZPB sorority. As a  
16 result of these guarantees, a "special relationship" was created between Ms. STARLING and  
17 ZPB, the PACIFIC REGION, GAMMA BETA, its members, and its agents according to  
18 which Ms. STARLING was assured that her participation in the pledging process to become a  
19 member of ZPB would not create a risk of danger to her health and safety. This special  
20 relationship created a duty of care that ZPB, the PACIFIC REGION, GAMMA BETA, its  
21 members, and its agents owed to Ms. STARLING. In reliance on these guarantees, Ms.  
22 STARLING agreed to be recruited by GAMMA BETA and decided to pledge ZPB.  
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- 1 6. On or about December 2010, Ms. STARLING was informed and believed that the PACIFIC  
2 REGION and GAMMA BETA were duly recognized by ZPB and were authorized to accept  
3 and pledge potential new members into ZPB, including Ms. STARLING.  
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- 5 7. Ms. STARLING is informed and believes that as an active, undergraduate chapter of ZPB, the  
6 officers, members, and agents of the PACIFIC REGION and GAMMA BETA had express  
7 and implied authority from the officers, members and agents of ZPB to engage in the active  
8 recruitment and pledging of new members of the GAMMA BETA CHAPTER. As a result of  
9 this authority, on or before December 2010, ZPB officers, members, and agents actively  
10 recruited members to participate in pledging into ZPB, including Ms. STARLING.  
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- 12 8. At all relevant times mentioned here, Defendant NUI BROWN ("BROWN") was a resident of  
13 the County of Los Angeles, State of California. Ms. STARLING is informed and believes  
14 that Ms. BROWN is the PACIFIC REGION Director. Since Ms. BROWN holds the position  
15 of Regional Director, she also serves on the National Executive Board for ZPB, and is one of  
16 ZPB's National Board Officers. Accordingly, at all relevant times mentioned here, Ms.  
17 BROWN acted as an agent for Defendant ZPB, and in doing the things alleged here, was  
18 acting within the scope of her agency.  
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- 20 9. Ms. STARLING is further informed and believes that as the Director of the PACIFIC  
21 REGION, Ms. BROWN was responsible for monitoring and overseeing the recruitment,  
22 pledging, and hazing activities of each graduate and undergraduate chapter in ZPB PACIFIC  
23 REGION, including GAMMA BETA. Ms. BROWN failed in her duty and responsibility to  
24 monitor and provide oversight to the recruitment, pledging and hazing activities of the  
25 PACIFIC REGION and GAMMA BETA by failing to take those reasonable steps which  
26 would have prevented the dangerous circumstances leading to Ms. STARLING's injuries.  
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1 10. Ms. STARLING is informed and believes that at all relevant times mentioned here, Defendant  
2 TANYA FITZGERALD was a resident of the State of California. Ms. STARLING is  
3 informed and believes that FITZGERALD is the Director for Northern California in the  
4 PACIFIC REGION. Ms. STARLING is further informed and believes that as the Director,  
5 Ms. FITZGERALD was responsible for monitoring and overseeing the recruitment, pledging,  
6 and hazing activities of each of ZPB's undergraduate chapters in the Northern California area  
7 of the PACIFIC REGION, including the activities of the GAMMA BETA CHAPTER.  
8 Accordingly, at all relevant times mentioned here, Ms. FITZGERALD acted as an agent for  
9 ZPB, and in doing the things alleged here, was acting within the scope of her agency.  
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11 11. Ms. STARLING is further informed and believes that as the Director for Northern California,  
12 located in the PACIFIC REGION, Ms. FITZGERALD failed in her duty and responsibility to  
13 monitor and provide oversight to the recruitment, pledging, and hazing activities of GAMMA  
14 BETA by failing to take those reasonable steps which would have prevented the dangerous  
15 circumstances leading to Ms. STARLING's injury.  
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17 12. Plaintiff is informed and believes and thereon alleges that Defendant AMBER BOYD,  
18 ("BOYD") is and was, at all times mentioned herein, a resident of the County of Alameda,  
19 State of California. BOYD is a member in good standing of ZPB, the PACIFIC REGION,  
20 and GAMMA BETA.  
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22 13. Ms. STARLING is further informed and believes that BOYD was a "Big Sister" in the  
23 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. A "Big Sister" is an  
24 individual who is a member of the local chapter who often participates in and assists with the  
25 pledging activities of a particular pledge line. BOYD was responsible, among other things for  
26 monitoring and overseeing the recruitment, pledging and hazing activities of ZPB. Ms.  
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1 BOYD failed in her duty and responsibility to monitor and provide oversight to the  
2 recruitment, pledging and hazing activities of GAMMA BETA, by failing to exercise her  
3 authority and preventing hazing activities from occurring, and by failing to take those  
4 reasonable steps as described below which would have prevented the dangerous  
5 circumstances leading to Ms. STARLING's injuries.  
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7 14. Ms. STARLING is further informed and believes that BOYD was a well-respected,  
8 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
9 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
10 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
11 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
12 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
13 against the law in California. As a result of the power and influence of these guarantees  
14 coming from BOYD, GAMMA BETA, and ZPB, a "special relationship" was created  
15 between STARLING and BOYD wherein STARLING was assured that her participation in  
16 the pledging process to become a member of ZPB would not create a risk of danger to her  
17 health and safety. This special relationship created a duty of care that BOYD owed to  
18 STARLING, the breach of which lead to the injuries and damages as described below. In  
19 reliance on BOYD's guarantees, STARLING agreed to be recruited by GAMMA BETA  
20 members, and decided to pledge ZPB.  
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23 15. STARLING is further informed and believes that BOYD was directly involved with the  
24 subject incidents, which occurred at or around February 2011.  
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26 16. Plaintiff is informed and believes and thereon alleges that Defendant IESHIA HUSBAND,  
27 ("HUSBAND") is and was, at all times mentioned herein, a resident of the County of  
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1 Alameda, State of California. HUSBAND is a member in good standing of ZPB, the  
2 PACIFIC REGION, and GAMMA BETA.

3 17. Ms. STARLING is further informed and believes that HUSBAND was a "Big Sister" in the  
4 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. A "Big Sister" is an  
5 individual who is a member of the local chapter who often participates in and assists with the  
6 pledging activities of a particular pledge line. HUSBAND was responsible, among other  
7 things for monitoring and overseeing the recruitment, pledging and hazing activities of ZPB.  
8 HUSBAND failed in her duty and responsibility to monitor and provide oversight to the  
9 recruitment, pledging and hazing activities of GAMMA BETA, by failing to exercise her  
10 authority and preventing hazing activities from occurring, and by failing to take those  
11 reasonable steps as described below which would have prevented the dangerous  
12 circumstances leading to STARLING's injuries.  
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15 18. Ms. STARLING is further informed and believes that HUSBAND was a well-respected,  
16 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
17 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
18 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
19 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
20 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
21 against the law in California. As a result of the power and influence of these guarantees  
22 coming from HUSBAND, GAMMA BETA, and ZPB, a "special relationship" was created  
23 between STARLING and HUSBAND wherein STARLING was assured that her participation  
24 in the pledging process to become a member of ZPB would not create a risk of danger to her  
25 health and safety. This special relationship created a duty of care that HUSBAND owed to  
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1 STARLING, the breach of which lead to the injuries and damages as described below. In  
2 reliance on HUSBAND's guarantees, STARLING agreed to be recruited by GAMMA BETA  
3 members, and decided to pledge ZPB.

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5 19. STARLING is further informed and believes that HUSBAND was directly involved with the  
6 subject incidents, which occurred at or around February 2011.

7 20. Plaintiff is informed and believes and thereon alleges that Defendant CAMEO MOTLEY,  
8 ("MOTLEY") is and was, at all times mentioned herein, a resident of the County of Alameda,  
9 State of California. Ms. MOTLEY is a member in good standing of ZPB, the PACIFIC  
10 REGION, and GAMMA BETA.

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12 21. Ms. STARLING is further informed and believes that MOTLEY was a "Big Sister" in the  
13 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. MOTLEY was  
14 responsible, among other things for monitoring and overseeing the recruitment, pledging and  
15 hazing activities of ZPB. Ms. MOTLEY failed in her duty and responsibility to monitor and  
16 provide oversight to the recruitment, pledging and hazing activities of GAMMA BETA, by  
17 failing to exercise her authority and preventing hazing activities from occurring, and by  
18 failing to take those reasonable steps as described below which would have prevented the  
19 dangerous circumstances leading to Ms. STARLING's injuries.

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21 22. Ms. STARLING is further informed and believes that MOTLEY was a well-respected,  
22 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
23 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
24 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
25 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
26 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
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1 against the law in California. As a result of the power and influence of these guarantees  
2 coming from MOTLEY, GAMMA BETA, and ZPB, a "special relationship" was created  
3 between Ms. STARLING and MOTLEY wherein Ms. STARLING was assured that her  
4 participation in the pledging process to become a member of ZPB would not create a risk of  
5 danger to her health and safety. This special relationship created a duty of care that  
6 MOTLEY owed to Ms. STARLING, the breach of which lead to the injuries and damages as  
7 described below. In reliance on MOTLEY's guarantees, Ms. STARLING agreed to be  
8 recruited by GAMMA BETA members, and decided to pledge ZPB.  
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10 23. Ms. STARLING is further informed and believes that MOTLEY was directly involved with  
11 the subject incidents, which occurred at or around February 2011.  
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13 24. Plaintiff is informed and believes and thereon alleges that Defendant RACHEL OWEN,  
14 ("OWEN") is and was, at all times mentioned herein, a resident of the County of Alameda,  
15 State of California. OWEN is a member in good standing of ZPB, the PACIFIC REGION,  
16 and GAMMA BETA.  
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18 25. Ms. STARLING is further informed and believes that OWEN was a "Big Sister" in the  
19 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. OWEN was responsible,  
20 among other things for monitoring and overseeing the recruitment, pledging and hazing  
21 activities of ZPB. OWEN failed in her duty and responsibility to monitor and provide  
22 oversight to the recruitment, pledging and hazing activities of GAMMA BETA, by failing to  
23 exercise her authority and preventing hazing activities from occurring, and by failing to take  
24 those reasonable steps as described below which would have prevented the dangerous  
25 circumstances leading to Ms. STARLING's injuries.  
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1 26. Ms. STARLING is further informed and believes that OWEN was a well-respected,  
2 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
3 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
4 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
5 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
6 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
7 against the law in California. As a result of the power and influence of these guarantees  
8 coming from OWEN, GAMMA BETA, and ZPB, a "special relationship" was created  
9 between Ms. STARLING and OWEN wherein Ms. STARLING was assured that her  
10 participation in the pledging process to become a member of ZPB would not create a risk of  
11 danger to her health and safety. This special relationship created a duty of care that OWEN  
12 owed to Ms. STARLING, the breach of which lead to the injuries and damages as described  
13 below. In reliance on OWEN's guarantees, Ms. STARLING agreed to be recruited by  
14 GAMMA BETA members, and decided to pledge ZPB.  
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17 27. Ms. STARLING is further informed and believes that OWEN was directly involved with the  
18 subject incidents, which occurred at or around February 2011.  
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20 28. Plaintiff is informed and believes and thereon alleges that Defendant IESHIA SHEPPHARD,  
21 ("SHEPPHARD") is and was, at all times mentioned herein, a resident of the County of  
22 Alameda, State of California. SHEPPHARD is a member in good standing of ZPB, the  
23 PACIFIC REGION, and GAMMA BETA.  
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25 29. Ms. STARLING is further informed and believes that SHEPPHARD was a "Big Sister" in the  
26 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. SHEPPHARD was  
27 responsible, among other things for monitoring and overseeing the recruitment, pledging and  
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1       hazing activities of ZPB. SHEPPHARD failed in her duty and responsibility to monitor and  
2       provide oversight to the recruitment, pledging and hazing activities of GAMMA BETA, by  
3       failing to exercise her authority and preventing hazing activities from occurring, and by  
4       failing to take those reasonable steps as described below which would have prevented the  
5       dangerous circumstances leading to Ms. STARLING's injuries.  
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7       30. Ms. STARLING is further informed and believes that SHEPPHARD was a well-respected,  
8       influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
9       potential new members into the ZPB sorority, by guaranteeing to potential new members,  
10      including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
11      participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
12      STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
13      against the law in California. As a result of the power and influence of these guarantees  
14      coming from SHEPPHARD, GAMMA BETA, and ZPB, a "special relationship" was created  
15      between Ms. STARLING and SHEPPHARD wherein Ms. STARLING was assured that her  
16      participation in the pledging process to become a member of ZPB would not create a risk of  
17      danger to her health and safety. This special relationship created a duty of care that  
18      SHEPPHARD owed to Ms. STARLING, the breach of which lead to the injuries and damages  
19      as described below. In reliance on SHEPPHARD's guarantees, Ms. STARLING agreed to be  
20      recruited by GAMMA BETA members, and decided to pledge ZPB.  
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23      31. Ms. STARLING is further informed and believes that SHEPPHARD was directly involved  
24      with the subject incidents, which occurred at or around February 2011.  
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26      32. Plaintiff is informed and believes and thereon alleges that Defendant LETICIA SMITH,  
27      ("SMITH") is and was, at all times mentioned herein, a resident of the County of Alameda,  
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1 State of California. Ms. SMITH is a member in good standing of ZPB, the PACIFIC  
2 REGION, and GAMMA BETA.

3 33. Ms. STARLING is further informed and believes that SMITH was a "Big Sister" in the  
4 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. SMITH was  
5 responsible, among other things for monitoring and overseeing the recruitment, pledging and  
6 hazing activities of ZPB. Ms. SMITH failed in her duty and responsibility to monitor and  
7 provide oversight to the recruitment, pledging and hazing activities of GAMMA BETA, by  
8 failing to exercise her authority and preventing hazing activities from occurring, and by  
9 failing to take those reasonable steps as described below which would have prevented the  
10 dangerous circumstances leading to Ms. STARLING's injuries,  
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12  
13 34. Ms. STARLING is further informed and believes that SMITH was a well-respected,  
14 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
15 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
16 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
17 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
18 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
19 against the law in California. As a result of the power and influence of these guarantees  
20 coming from SMITH, GAMMA BETA, and ZPB, a "special relationship" was created  
21 between Ms. STARLING and SMITH wherein Ms. STARLING was assured that her  
22 participation in the pledging process to become a member of ZPB would not create a risk of  
23 danger to her health and safety. This special relationship created a duty of care that SMITH  
24 owed to Ms. STARLING, the breach of which lead to the injuries and damages as described  
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1 below. In reliance on SMITH's guarantees, Ms. STARLING agreed to be recruited by  
2 GAMMA BETA members, and decided to pledge ZPB.

3 35. Ms. STARLING is further informed and believes that SMITH was directly involved with the  
4 subject incidents, which occurred at or around February 2011.

5 36. Plaintiff is informed and believes and thereon alleges that Defendant VICTORIA WALL,  
6 ("WALL") is and was, at all times mentioned herein, a resident of the County of Alameda,  
7 State of California. Ms. WALL is a member in good standing of ZPB, the PACIFIC  
8 REGION, and GAMMA BETA.

9 37. Ms. STARLING is further informed and believes that WALL was a "Big Sister" in the  
10 GAMMA BETA Chapter of ZPB during the 2010-2011 school year. WALL was responsible,  
11 among other things for monitoring and overseeing the recruitment, pledging and hazing  
12 activities of ZPB. Ms. WALL failed in her duty and responsibility to monitor and provide  
13 oversight to the recruitment, pledging and hazing activities of GAMMA BETA, by failing to  
14 exercise her authority and preventing hazing activities from occurring, and by failing to take  
15 those reasonable steps as described below which would have prevented the dangerous  
16 circumstances leading to Ms. STARLING's injuries.

17 38. Ms. STARLING is further informed and believes that WALL was a well-respected,  
18 influential, and powerful Big Sister of ZPB who actively participated in the recruitment of  
19 potential new members into the ZPB sorority, by guaranteeing to potential new members,  
20 including Ms. STARLING, that there would be no risk of danger, harm, or injury to anyone  
21 participating in the recruitment and pledging process to join GAMMA BETA. In fact, Ms.  
22 STARLING noticed that ZPB prohibited hazing of any kind, and noted that hazing was  
23 against the law in California. As a result of the power and influence of these guarantees  
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1 coming from WALL, GAMMA BETA, and ZPB, a "special relationship" was created  
2 between Ms. STARLING and WALL wherein Ms. STARLING was assured that her  
3 participation in the pledging process to become a member of ZPB would not create a risk of  
4 danger to her health and safety. This special relationship created a duty of care that WALL  
5 owed to Ms. STARLING, the breach of which lead to the injuries and damages as described  
6 below. In reliance on WALL's guarantees, Ms. STARLING agreed to be recruited by  
7 GAMMA BETA members, and decided to pledge ZPB.  
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9 39. Ms. STARLING is further informed and believes that WALL was directly involved with the  
10 subject incidents, which occurred at or around February 2011.  
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12 40. Plaintiff is informed and believes and thereon alleges that Defendant REGENTS OF THE  
13 UNIVERSITY OF CALIFORNIA, ("UC REGENTS") is a governmental entity and is doing  
14 business in the County of Alameda, State of California through UC Berkeley.  
15

16 41. Ms. STARLING is further informed and believes that the UC REGENTS are a well-  
17 respected, influential, and powerful governmental institution that oversees the activities of its  
18 undergraduate students by and through the Center for Student Conduct at UC Berkeley.  
19 Through the Office of Student Conduct, its members, employees, and agents, UC REGENTS  
20 guaranteed that there would be no risk of danger, harm, or injury to anyone participating in  
21 the recruitment and pledging process to join GAMMA BETA, including Ms. STARLING. In  
22 fact, Ms. STARLING noticed that the UC REGENTS prohibited hazing of any kind, and  
23 noted that hazing was against the law in California. As a result of the power and influence of  
24 these guarantees coming from the UC REGENTS, a "special relationship" was created  
25 between Ms. STARLING and the UC REGENTS wherein Ms. STARLING was assured that  
26 her participation in the pledging process would not create a risk of danger to her health and  
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1 safety. This special relationship created a duty of care that the UC REGENTS owed to Ms.  
2 STARLING, the breach of which lead to the injuries and damages as described below. In  
3 reliance on the UC REGENTS' guarantees, Ms. STARLING agreed to be recruited by  
4 GAMMA BETA members, and decided to pledge ZPB.  
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6 42. The true names or capacities, whether individual, corporate, associate or otherwise, of  
7 defendants DOES 1 through 50, inclusive, are unknown to Plaintiff and therefore Plaintiff  
8 sues these Defendants by such fictitious names. Plaintiff will amend this complaint to allege  
9 their true names and capacities when ascertained. Plaintiff is informed and believes and based  
10 thereon alleges that each of these fictitiously named Defendants is responsible in some  
11 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were  
12 proximately caused by their conduct.  
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14 43. Plaintiff is informed and believes and thereon alleges that, at all times mentioned, each of the  
15 Defendants, including the fictitiously named Defendants, was the director, officer, agent,  
16 servant, employee or co-venturer of each of the other Defendants and at all times relevant  
17 acting within the purpose and scope of said directorship, agency, service, employment or  
18 joint venture. Plaintiff is further informed and believes, and upon such information and belief  
19 alleges that at all times herein mentioned each of the Defendants gave consent to, ratified and  
20 authorized the acts alleged herein of each of his, or its co-defendants.  
21

22 44. Plaintiff STARLING files the instant claim in Alameda Superior Court, René C. Davidson  
23 Courthouse, located on 1225 Fallon Street, Oakland, California 94612, because this is the  
24 superior court for the county in which the cause of action arose.  
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**FACTS COMMON TO ALL COUNTS**

45. Ms. STARLING is informed and believes that each of the Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, UC REGENTS, and DOES 1 to 50 knew or through the exercise of reasonable diligence should have known, that there was a widespread practice among undergraduate chapters of ZPB, including GAMMA BETA, to engage in unauthorized pledging and hazing activities as part of an "underground pledging" portion of the initiation process. Even though ZPB and its affiliates officially forbid any pledging or illegal hazing practices by its members, in reality, illegal pledging and hazing rituals are widespread and common practice that undergraduate chapters routinely engage in with their pledges. Indeed, each of Defendants ZPB, PACIFIC REGION, BROWN, GAMMA BETA, FITZGERALD, UC REGENTS, and DOES 1 to 25 knew or through reasonable diligence should have known that Defendants BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 to 50 were particularly inclined to engage in underground pledging activities so as to prevent the risk of any damage or injury to any potential pledge, including STARLING.

46. During the fall semester of 2010, Ms. STARLING was a student at UC Berkeley. In reasonable reliance on the guarantees described above of Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, UC REGENTS, and DOES 1 to 50, Ms. STARLING accepted the invitation of Defendants ZPB, PACIFIC REGION, BROWN, GAMMA BETA, FITZGERALD, BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, WALL,



1 and DOES 1 to 50 to join a "line" of other women invited to pledge ZPB through its  
2 GAMMA BETA chapter. Antionette Armour, Desiree Johnson, Kaneca Pomepy, and  
3 Danielle Ross were also members of the pledge line. The women would gather almost nightly  
4 performing a host of different chores, tasks, and rituals for the Big Sisters. A "Big Sister" is  
5 someone whom an individual member would look to for guidance and direction through the  
6 pledging process. Despite this nurturing aspect of the initiation process, a Big Sister's  
7 request, directions, and orders are followed with almost blind obedience by the pledge, no  
8 matter how inconvenient, messy, or bizarre. Failure to follow a Big Sister's direction could  
9 result in the offending pledge being removed from the pledge line, and denied the opportunity  
10 to become a Soror and fulfill what is for some a lifelong dream.

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12  
13 47. Shortly after Ms. STARLING began the pledging process with ZPB, she attended ZPB  
14 events. During these events, ZPB Big Sisters, particularly CAMEO MOTLEY, forced the  
15 pledges, including Ms. STARLING, to state that if they stopped the pledging process, they  
16 would become "eternals," meaning eternally nothing.

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18 48. On December 5, 2010, Ms. STARLING along with other pledges were instructed to host a  
19 dinner of appreciation. During that dinner, MOTLEY, WALL, Kim Palmore, BOYD,  
20 SHEPPHARD, and SMITH taunted STARLING, calling her stupid and dumb, yelling at her  
21 for moving slowly, and making demands to humiliate and scare her.

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23 49. On February 11, 2011, STARLING and other pledges were required to attend a pledge  
24 meeting held at the home of Ms. SMITH and Ms. SHEPPHARD. They were instructed to  
25 recite the history of the sorority. While Ms. STARLING did this, BOYD, MOTLEY, and  
26 SMITH poked and pushed Ms. STARLING without her consent. Ms. SMITH beat Ms.  
27 STARLING and another pledge, Danielle Ross, on the head while another pledge, Kaneca  
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1 Pompey recited the sorority's history. Ms. SMITH did not stop beating Ms. STARLING and  
2 Ms. Ross until Ms. Pompey finished reciting the sorority's history. To stop the beating, Ms.  
3 STARLING and Ms. Ross told Ms. Pompey the sorority's history so that she may finish  
4 reciting it, thereby ending the beating of Ms. STARLING and Ms. Ross. At no time did Ms.  
5 STARLING consent to Ms. SMITH's beating. Every time that Ms. STARLING was pushed  
6 to the ground, she stood up, and the sisters again pushed her down. That night, the pledges,  
7 including Ms. STARLING, were not allowed to return to their homes, but were forced to stay  
8 at Ms. SMITH and Ms. SHEPPHARD's house.  
9

10 50. On or about the evening of February 18, 2011, Ms. STARLING and other pledges went to the  
11 home of RACHEL OWEN. Ms. OWEN told the pledges that she would "wreck" them. After  
12 BOYD finished eating an apple, she instructed Ms. STARLING to put the core of the apple in  
13 her pocket because Ms. STARLING was "the trash can." BOYD then poured juice on the  
14 floor and forced Ms. STARLING to lie down on the floor in order to clean up the juice with  
15 her back. While the pledges recited the sorority's history, BOYD ripped STARLING's shirt,  
16 causing it to come off of her body.  
17

18 51. On or about the evening of February 18, 2011, BOYD directed all of the other pledges to go  
19 to the bathroom, leaving Ms. STARLING alone. BOYD then yelled at Ms. STARLING. It is  
20 of note that Ms. BOYD has an intimidating stature. She is about 6 feet tall and weighs  
21 approximately 200 pounds. WALL, MOTLEY, HUSBAND, and SHEPPHARD, then beat  
22 Ms. STARLING, called her a "bitch," and ripped the pockets off of her jean pants. One of the  
23 ZPB Big Sisters slammed Ms. STARLING's head against a wall, causing her lip to bleed  
24 profusely. When Ms. STARLING tried to attend to her wounds, Ms. SHEPPHARD said that  
25 Ms. STARLING's injury "wasn't a big deal," and told Ms. STARLING to "stop being so  
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1 dramatic." Ms. STARLING was only provided paper towels and wash cloth for her wound.  
2 She bled so profusely that her blood soaked the paper towels and wash cloth. Ms.  
3 STARLING was then forced to stay awake through the night.

4  
5 52. On or about February 19, 2011, while at the home of Defendant HUSBAND, Ms.  
6 STARLING, along with other pledges, were forced to stand in awkward holding positions for  
7 hours. When Ms. STARLING's leg gave out from standing in the holding position called  
8 "Pointing to the Zeta Light," WALL used a book to strike Ms. STARLING's ankle, injuring  
9 her severely. BOYD then threatened Ms. STARLING with physical violence by yelling that  
10 she would beat Ms. STARLING and throw her across the room.

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12 53. On or about February 19, 2011, Ms. STARLING asked a ZPB sister if she may use the  
13 restroom. HUSBAND refused to allow Ms. STARLING to use the restroom. Antionette  
14 Armour then asked if Ms. STARLING could use the restroom, and MS. HUSBAND again  
15 refused to allow Ms. STARLING to use the restroom. Ms. BOYD further threatened Ms.  
16 STARLING by stating "and she better hold it too" in a threatening and intimidating manner.  
17 Ms. STARLING became so frightened that she urinated on herself.

18  
19 54. On or about the evening of February 19, 2011, BOYD poured chai tea leaves all over Ms.  
20 STARLING's hair and clothing because Ms. STARLING and the other pledges brought Ms.  
21 BOYD chai tea packets rather than chai tea in a mug. HUSBAND, MOTLEY, WALL,  
22 SMITH, and SHEPPHARD, witnessed this event, and did nothing to stop it. BOYD yelled at  
23 Ms. STARLING again, telling Ms. STARLING that people said bad things about her and that  
24 BOYD would teach Ms. STARLING how to let these comments "roll off [her] back."  
25 Finally, at 4 a.m., Ms. STARLING and the other pledges were released.  
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1 55. On or about February 20, 2011, at the home of SMITH and SHEPPHARD, Ms. SMITH, Ms.  
2 SHEPPHARD, and Ms. HUSBAND, and other Big Sisters of ZPB, forced Ms. STARLING  
3 and other pledges to stay awake throughout the entire evening. Pledge Armour asked when  
4 the pledges would be able to sleep. HUSBAND responded that the pledges would not be able  
5 to sleep as punishment for sleeping during the previous week. SMITH, SHEPPHARD, and  
6 HUSBAND watched Ms. STARLING and the other pledges to make sure that they did not  
7 sleep or leave the area. Ms. STARLING was particularly tired because as the driver of the  
8 pledges, she was forced to wake up the earliest and go to sleep last. By the end of the night,  
9 Ms. STARLING's vision became blurred.  
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11 56. Due to the inhumane treatment of SMITH, SHEPPHARD, and HUSBAND, Ms. STARLING,  
12 Danielle Ross, Desiree Johnson, and Antionette Armour informed the Big Sisters that they no  
13 longer wanted to pledge ZPB. BOYD and Ms. Palmore went to Pledge Desiree Johnson and  
14 Antionette Armour's house to ask pledges Ms. STARLING, Ms. Ross, Ms. Johnson, and Ms.  
15 Armour to remain in ZPB. Ms. BOYD and Ms. Palmore said that they loved the pledges and  
16 that their actions were intended to make the pledges better people. Ms. WALL, Ms.  
17 STARLING's "special big sister" called Ms. STARLING, asking her not to leave ZPB. Ms.  
18 STARLING felt bombarded and pressured. The pledges, including Ms. STARLING stated  
19 that they did not intend on returning because they felt that the ZPB Big Sisters treated them  
20 inhumanely. Ms. STARLING felt extreme pressure to remain as pledge in ZBP because she  
21 was in fear that if she left the sorority, she would become an outcast, "an eternal," in the  
22 Greek system and the African-American community at the UC Berkeley.  
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1 57. Due to the extreme pressure that Ms. STARLING felt, she indicated that she would remain in  
2 the sorority if she were allowed to take a break from the pledging process. However, due to  
3 the abuse that Ms. STARLING received, she did not return.

4 58. At all times Ms. STARLING was unable to report the conduct of the Big Sisters, both out of  
5 fear of retaliation and because of a lack of oversight. She was informed that BOYD was the  
6 designated ZPB Graduate Advisor. As Ms. BOYD was particularly abusive, Ms. STARLING  
7 was unable to seek assistance from any member of ZPB.  
8

9 59. BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 to  
10 50 caused so much trauma to Ms. STARLING that she was forced to take Medical Leave and  
11 did not complete her Spring 2011 semester at UC Berkeley in order to physically and  
12 emotionally recover. Her tuition for this semester was approximately \$6,000.00 (Six  
13 Thousand Dollars) and she paid about \$400.00 (Four Hundred Dollars) for books. Due to her  
14 late withdraw, Ms. STARLING also incurred \$500.00 (Five Hundred Dollars) in late fees.  
15

16 60. As a result of the actions of ZPB, Ms. STARLING sought psychological help. Because she  
17 had to withdraw from UC Berkeley, she had to pay for the services of a psychologist herself.  
18 She has spent at least \$2,000.00 paying for the services of a psychologist.  
19

#### 20 FIRST CAUSE OF ACTION

##### 21 Assault and Battery

22 *(Against Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA  
23 FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN,  
24 IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, and DOES 1 to 50)*

25 61. By this reference, Plaintiff incorporates each and every allegation and averment set forth in  
26 paragraphs 1 through 60 of this Complaint as though fully set forth herein.

27 62. At all relevant times mentioned here, each of the Defendants BOYD, HUSBAND, MOTLEY,  
28 OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 - 50 were students or other person

1 attending a school, community college, college, university or other educational institution as  
2 defined in Penal Code § 245.6.

3 63. On or about Fall 2010, STARLING accepted the invitation of Defendants ZPB, PACIFIC  
4 REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD,  
5 MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD,  
6 LETITIA SMITH, VICTORIA WALL, UC REGENTS, and DOES 1 to 50 to attempt to  
7 complete the initiation process to join ZPB. STARLING accepted their invitation in reliance  
8 on guarantees made by them, or on their behalf, that the initiation and pledging process would  
9 in no way subject her to any risk of danger to her health or safety.  
10

11 64. It is the public policy of the State of California to protect all students from hazing. Hazing is  
12 defined by California Penal Code § 245.6 in relevant part as "any method of initiation or pre-  
13 initiation into a student organization or student body, whether or not the organization or body  
14 is officially recognized by an educational institution, which is likely to cause serious bodily  
15 injury to any former, current, or prospective student of any school, community college,  
16 college, university, or other educational institution in this state" in California.  
17

18 65. Hazing is prohibited by California Penal Code § 245.6.  
19

20 66. On or before February 2011, Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA  
21 BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO  
22 MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA  
23 WALL, UC REGENTS, and DOES 1 to 50 knew, or through the exercise of reasonable  
24 diligence should have known, that undergraduate pledges of ZPB who participate in the  
25 initiation process experience hazing, as that term is defined in Penal Code § 245.6.  
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- 1 67. On February 11, 2011, Ms. STARLING was required to attend a pledge meeting held at the  
2 home of Ms. SMITH and SHEPPHARD. While Ms. STARLING recited ZPB's history,  
3 BOYD, MOTLEY, and SMITH poked and pushed Ms. STARLING without her consent. Ms.  
4 SMITH beat Ms. STARLING and pledge Danielle Ross on the head while another pledge,  
5 Kaneca Pomepy, recited ZPB's history. Ms. SMITH did not stop beating Ms. STARLING  
6 and Ms. Ross until Ms. Pomepy finished reciting the sorority's history. To stop the beating,  
7 Ms. STARLING and Ms. Ross told Ms. Pomepy the sorority's history so that she may finish  
8 reciting it, thereby ending the beating of Ms. STARLING and Ms. Ross. Every time that Ms.  
9 STARLING was pushed to the ground, she stood up, and the sisters again pushed her down.  
10  
11 68. On or about the evening of February 18, 2011, Ms. STARLING and other pledges went to the  
12 home of RACHEL OWEN. Ms. OWEN told the pledges that she would "wreck" them.  
13  
14 69. On or about February 18, 2011 at a ZPB event, BOYD finished eating an apple and instructed  
15 Ms. STARLING to put the core of the apple in her pocket because STARLING was "the trash  
16 can." BOYD then poured juice on the floor and forced Ms. STARLING to lie down on the  
17 floor in order to clean up the juice with her back. While the pledges recited the sorority's  
18 history, BOYD ripped STARLING's shirt, causing it to come off of her body. It is of note  
19 that Ms. BOYD has an intimidating stature. She is about 6 feet tall and weighs approximately  
20 200 pounds.  
21  
22 70. Later, on the evening of February 18, 2011, BOYD separated Ms. STARLING from the  
23 pledges and yelled at STARLING. WALL, MOTLEY, HUSBAND, and SHEPPHARD beat  
24 Ms. STARLING, called her a "bitch," and ripped the pockets off of her jean pants. One of the  
25 Big Sisters slammed Ms. STARLING's head against a wall, causing her lip to bleed  
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1 profusely. STARLING was only provided paper towels and wash cloth for her wound. She  
2 bled so profusely that her blood soaked the paper towels and wash cloth.

3 71. On February 19, 2011, while at a ZPB event and in the home of Defendant HUSBAND,  
4 STARLING, along with other pledges, were forced to stand in awkward holding positions for  
5 hours. When Ms. STARLING's leg gave out from standing in the holding position called  
6 "Pointing to the Zeta Light," WALL used a book to strike Ms. STARLING's ankle, injuring  
7 her severely. BOYD then threatened Ms. STARLING with physical violence by yelling that  
8 she would beat Ms. STARLING and throw her across the room.  
9

10 72. On or about February 19, 2011, Ms. STARLING asked a ZPB sister if she may use the  
11 restroom. HUSBAND refused, in a threatening and intimidating manner, to allow Ms.  
12 STARLING to use the restroom. BOYD threatened Ms. STARLING by stating "and she  
13 better hold it too" in a threatening and intimidating manner. Ms. STARLING became so  
14 frightened that she urinated on herself.  
15

16 73. On or about February 19, 2011, BOYD poured chai tea leaves all over Ms. STARLING's hair  
17 and clothing because Ms. STARLING and the other pledges brought Ms. BOYD chai tea  
18 packets rather than chai tea in a mug. HUSBAND, MOTLEY, WALL, SMITH, and  
19 SHEPPHARD witnessed this event, and did nothing to stop it. BOYD then yelled at Ms.  
20 STARLING again, telling Ms. STARLING that people said bad things about her and that  
21 BOYD would teach Ms. STARLING how to let these comments "roll off [her] back."  
22 Finally, at 4 a.m., Ms. STARLING and the other pledges were released.  
23

24 74. On or about February 20, 2011, at the home of SMITH and SHEPPHARD, SMITH,  
25 SHEPPHARD, and HUSBAND, and other Big Sisters of ZPB, forced Ms. STARLING and  
26 other pledges to stay awake throughout the entire evening. Pledge Armour asked when the  
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1 pledges would be able to sleep. HUSBAND responded that the pledges would not be able to  
2 sleep as punishment for sleeping during the previous week. SMITH, SHEPPHARD, and  
3 HUSBAND watched Ms. STARLING and the other pledges to make sure that they did not  
4 sleep or leave the area. Ms. STARLING was particularly tired because as the driver of the  
5 pledges, she was forced to wake up the earliest and go to sleep last. By the end of the night,  
6 Ms. STARLING's vision became blurred.  
7

8 75. Defendants ZPB, PACIFIC REGION OF ZPB, NUI BROWN, GAMMA BETA,  
9 FITZGERALD, and DOES 1 to 25 acted by and through their agents and members of ZPB,  
10 BOYD, MOTLEY, SMITH, and WALL. STARLING is informed and believes that all of the  
11 listed herein Defendants hoped to engage in the aforescussed activities to build and  
12 strengthen greater trust and sisterhood among them.  
13

14 76. In addition, on or before February 2011, Defendants ZPB, PACIFIC REGION OF ZPB, NUI  
15 BROWN, GAMMA BETA, FITZGERALD, and DOES 1 to 25, knew, or through the  
16 exercise of reasonable diligence should have known that BOYD, HUSBAND, MOTLEY,  
17 OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 - 50 were dangerous members of the  
18 sorority, prone to engage potential pledges in underground pledging which posed a threat of  
19 danger to new pledges of the sorority, including STARLING. Indeed, members of GAMMA  
20 BETA had engaged in unauthorized pledging and illegal hazing activities in the past, which  
21 justified Defendants ZPB, PACIFIC REGION OF ZPB, NUI BROWN, GAMMA BETA,  
22 FITZGERALD, and DOES 1-25 establishing closer monitoring and supervising oversight of  
23 all of GAMMA BETA's activities, including its recruitment and initiation process. In  
24 addition, on or about February 2011, each of the Defendants ZPB, PACIFIC REGION OF  
25 ZPB, NUI BROWN, GAMMA BETA, FITZGERALD, and DOES 1 to 25 negligently  
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1 appointed, trained, supervised, and/or managed each of the Defendants BOYD, HUSBAND,  
2 MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 - 50 in the operations of  
3 GAMMA BETA, leading to the damages described below.

4 77. At no time did STARLING consent to the above described conduct.

5 78. As a direct and proximate result of the malicious and outrageous conduct of Defendants, as  
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aforedescribed, STARLING suffered injuries and damages, causing her pain, anguish, and  
fear. STARLING was forced to take a Medical Leave from UC Berkeley for the Spring 2011  
semester. As a further direct and proximate result of each of the Defendants' conduct,  
STARLING incurred expenses for medical doctors, psychiatrists, and psychologists to  
examine, treat, and care for her, all in an amount to be determined according to proof at trial.  
Additionally, STARLING has suffered special damages and will suffer additional special  
damages in an amount which has not yet been determined.

79. The acts of Defendants were intentional, wanton, malicious and oppressive, thus entitling  
STARLING to an award of punitive damages against Defendants ZPB, PACIFIC REGION,  
BROWN, GAMMA BETA, FITZGERALD, BOYD, HUSBAND, MOTLEY, OWEN,  
SHEPPHARD, SMITH, and WALL.

## SECOND CAUSE OF ACTION

### Intentional Infliction of Emotional Distress

(Against Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA  
FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN,  
IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, and DOES 1 to 50)

80. By this reference, Plaintiff incorporates each and every allegation and averment set forth in  
paragraphs 1 through 79 of this Complaint as though fully set forth herein.

81. On or about February 2011, Defendants ZPB, PACIFIC REGION, BROWN, GAMMA  
BETA, FITZGERALD, 59. BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD,

1 SMITH, WALL, and DOES 1 to 50 engaged in the conduct discussed above in Paragraphs 47  
2 to 58.

3 82. Defendants ZPB, PACIFIC REGION OF ZPB, NUI BROWN, GAMMA BETA,  
4 FITZGERALD, and DOES 1 to 25 acted by and through their agents and members of ZPB,  
5 BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 to  
6 50. STARLING is informed and believes that all of the listed herein Defendants hoped to  
7 engage in the aforescussed activities to build and strengthen greater trust and sisterhood  
8 among them.  
9

10 83. In addition, on or before February 2011, Defendants ZPB, PACIFIC REGION OF ZPB, NUI  
11 BROWN, GAMMA BETA, FITZGERALD, and DOES 1 to 25, knew, or through the  
12 exercise of reasonable diligence should have known that BOYD, HUSBAND, MOTLEY,  
13 OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 to 50 were dangerous members of the  
14 sorority, prone to engage potential pledges in underground pledging which posed a threat of  
15 danger to new pledges of the sorority, including STARLING. Indeed, members of GAMMA  
16 BETA had engaged in unauthorized pledging and illegal hazing activities in the past, which  
17 justified Defendants ZPB, PACIFIC REGION OF ZPB, NUI BROWN, GAMMA BETA,  
18 FITZGERALD, and DOES 1-25 establishing closer monitoring and supervising oversight of  
19 all of GAMMA BETA's activities, including its recruitment and initiation process. In  
20 addition, on or about February 2011, each of the Defendants ZPB, PACIFIC REGION OF  
21 ZPB, NUI BROWN, GAMMA BETA, FITZGERALD, and DOES 1 to 25 negligently  
22 appointed, trained, supervised, and/or managed each of the Defendants BOYD, HUSBAND,  
23 MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and DOES 26 to 50 in the operations of  
24 GAMMA BETA, leading to the damages described below.  
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1 84. At no time did STARLING consent to the above described conduct.

2 85. The above described conduct was outrageous.

3 86. The above described conduct was intended to cause STARLING emotional distress.

4 87. Defendants ZPB, PACIFIC REGION, BROWN, GAMMA BETA, FITZGERALD, BOYD,  
5 HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, and WALL, and DOES 1 to 50  
6 acted with reckless disregard of the probability that STARLING would suffer emotional  
7 distress.  
8

9 88. As a direct and proximate cause of the actions of Defendants ZPB, PACIFIC REGION,  
10 BROWN, GAMMA BETA, FITZGERALD, BOYD, MOTLEY, SMITH, and WALL, and  
11 DOES 1 to 50, STARLING suffered emotional distress in the form of pain, anguish, fear,  
12 sleep disturbances, anxiety, depression, poor concentration, and irritability. As a consequence  
13 of STARLING's emotional distress, she was forced to seek medical attention and counseling  
14 and to take Medical Leave from UC Berkeley for the Spring 2011 semester. As a further  
15 direct and proximate result of each of the Defendants' conduct, STARLING incurred expenses  
16 for medical doctors, psychiatrists, and psychologists to examine, treat, and care for her, all in  
17 an amount to be determined according to proof at trial. Additionally, STARLING has  
18 suffered special damages and will suffer additional special damages in an amount which has  
19 not yet been determined.  
20  
21

22 89. The acts of Defendants were intentional, wanton, malicious and oppressive, thus entitling  
23 STARLING to an award of punitive damages against Defendants ZPB, PACIFIC REGION,  
24 BROWN, GAMMA BETA, FITZGERALD, BOYD, HUSBAND, MOTLEY, OWEN,  
25 SHEPPHARD, SMITH, and WALL.  
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**THIRD CAUSE OF ACTION**  
**Negligence per Se – Hazing In Violation Of California Penal Code § 245.6**  
***(Against All Defendants)***

90. By this reference, Plaintiff incorporates each and every allegation and averment set forth in paragraphs 1 through 89 of this Complaint as though fully set forth herein.

91. Defendants had a duty to exercise due care towards STARLING and to avoid causing her harm. Specifically, under California Penal Code § 245.6, all Defendants have a duty to prevent and protect STARLING from hazing.

92. The acts of Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, and DOES 1 to 50 at or around February 2011, which are outlined in Paragraphs 47 to 58 each constitute a violation of Penal Code § 245.6. STARLING is within the class of people that Penal Code § 245.6 is designed to protect because she is and was at all relevant times a student of UC Berkeley, a university in the State of California.

93. Additionally, Penal Code § 245.6 specifically and explicitly entitles STARLING, a person against whom hazing is directed, to bring a civil action against the participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

94. Defendants knew or should have known that the acts or omissions outlined in Paragraphs 47 to 58, committed by Defendants ZPB, PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE HUSBAND, CAMEO MOTLEY,

1 RACHEL OWEN, IESHIA SHEPPHARD, LETITIA SMITH, VICTORIA WALL, and  
2 DOES 1 to 50, constituted hazing.

3 95. Defendants knew or should have known that their failure to exercise due care towards  
4 STARLING would cause her to suffer bodily injury, severe humiliation, mental anguish, and  
5 emotional and physical distress as alleged and described herein.  
6

7 96. Plaintiff STARLING did not consent to Defendants' acts.

8 97. As a direct and proximate result of the malicious and outrageous conduct of Defendants, as  
9 aforescribed, STARLING suffered injuries and damages, causing her pain, anguish, and  
10 fear. STARLING was forced to take a Medical Leave from UC Berkeley for the Spring 2011  
11 semester. As a further direct and proximate result of each of the Defendants' conduct,  
12 STARLING incurred expenses for medical doctors, psychiatrists, and psychologists to  
13 examine, treat, and care for her, all in an amount to be determined according to proof at trial.  
14 Additionally, STARLING has suffered special damages and will suffer additional special  
15 damages in an amount which has not yet been determined.  
16

17  
18 **FOURTH CAUSE OF ACTION**

19 **Negligence**

20 *(Against All Defendants)*

21 98. By this reference, Plaintiff incorporates each and every allegation and averment set forth in  
22 paragraphs 1 through 97 of this Complaint as though fully set forth herein.

23 99. Defendants, by and through their "special relationship" with STARLING owed STARLING a  
24 duty to use reasonable care to prevent harm to STARLING.

25 100. On or before February 2011, Defendants BOYD, HUSBAND, MOTLEY, OWEN,  
26 SHEPPHARD, SMITH, WALL, and DOES 26 to 50, failed to exercise reasonable and  
27 ordinary care in committing the acts and failures to act as alleged here, which include, but are  
28

1 not limited to engaging in ZPB recruitment-related activities which involved pushing, beating,  
2 poking, harassing, threatening and otherwise assaulting and battering STARLING and others.

3 101. On or about February 2011, each of the Defendants ZPB, PACIFIC REGION OF  
4 ZPB, NUI BROWN, GAMMA BETA, FITZGERALD, and DOES 1 to 25 failed to exercise  
5 reasonable and ordinary care in committing the acts and failures to act as alleged here, which  
6 include, but are not limited to failing to enforce its own rules prohibiting extended pledging  
7 and illegal hazing; negligently appointing, training, supervising, and/or managing each of the  
8 Defendants BOYD, HUSBAND, MOTLEY, OWEN, SHEPPHARD, SMITH, WALL, and  
9 DOES 26 to 50 in the operation of GAMMA BETA by failing to reasonably investigate,  
10 supervise, and monitor their activities, including their recruitment and initiation of new  
11 pledges; and by creating and promoting a known psychologically coercive environment  
12 where sorority members and pledges such as STARLING were expected to ignore, and did in  
13 fact ignore, their own health and psychological risks, all in a mindless pursuit to join ZPB.  
14

15 102. UC REGENTS breached their duty by failing to protect STARLING from the acts  
16 described herein.  
17

18 103. As a direct and proximate cause of Defendants' breach, STARLING suffered  
19 emotional distress in the form of pain, anguish, fear, sleep disturbances, anxiety, depression,  
20 poor concentration, and irritability. As a consequence of STARLING's emotional distress,  
21 she was forced to seek medical attention and counseling and to take Medical Leave from UC  
22 Berkeley for the Spring 2011 semester. As a further direct and proximate result of each of the  
23 Defendants' conduct, STARLING incurred expenses for medical doctors, psychiatrists, and  
24 psychologists to examine, treat, and care for her, all in an amount to be determined according  
25  
26  
27  
28

1 to proof at trial. Additionally, STARLING has suffered special damages and will suffer  
2 additional special damages in an amount which has not yet been determined.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them as follows:

- 5 1. Cause of Action 1, Assault and Battery against Defendants ZPB, PACIFIC REGION, NUI  
6 BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER BOYD, MIRACLE  
7 HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA SHEPPHARD, LETITIA  
8 SMITH, VICTORIA WALL, and DOES 1 to 50:

- 9  
10 a. General damages according to proof;  
11 b. Special damages according to proof;  
12 c. Present value of lost future earnings and benefits, and loss of earning capacity,  
13 according to proof;  
14 d. Punitive damages in an appropriate amount and as to punish Defendants and deter  
15 others from engaging in similar conduct;  
16 e. For interest as allowed by law;  
17 f. Costs of suit incurred herein; and  
18 g. For such other and further relief as the Court may deem proper.  
19  
20

- 21 2. Cause of Action 2, Intentional Infliction of Emotional Distress against Defendants ZPB,  
22 PACIFIC REGION, NUI BROWN, GAMMA BETA, TANYA FITZGERALD, AMBER  
23 BOYD, MIRACLE HUSBAND, CAMEO MOTLEY, RACHEL OWEN, IESHIA  
24 SHEPPHARD, LETITIA SMITH, VICTORIA WALL, and DOES 1 to 50:

- 25  
26 a. General damages according to proof;  
27 b. Special damages according to proof;  
28



- c. Present value of lost future earnings and benefits, and loss of earning capacity, according to proof;
- d. Punitive damages in an appropriate amount and as to punish Defendants and deter others from engaging in similar conduct;
- e. For interest as allowed by law;
- f. Costs of suit incurred herein; and
- g. For such other and further relief as the Court may deem proper.

3. Cause of Action 3, Negligence per Se – Hazing In Violation Of California Penal Code § 245.6 against all Defendants:

- a. General damages according to proof;
- b. Special damages according to proof;
- c. Present value of lost future earnings and benefits, and loss of earning capacity, according to proof
- d. For interest as allowed by law;
- e. Costs of suit incurred herein; and
- f. For such other and further relief as the Court may deem proper.

4. Cause of Action 4, Negligence against all Defendants:

- a. General damages according to proof;
- b. Special damages according to proof;
- c. Present value of lost future earnings and benefits, and loss of earning capacity, according to proof
- d. For interest as allowed by law;
- e. Costs of suit incurred herein; and

1 f. For such other and further relief as the Court may deem proper.

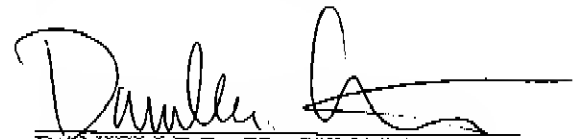
2 **DEMAND FOR JURY TRIAL**

3 PLAINTIFF hereby demands a trial by jury.

4  
5 DATED: January 25, 2012

6 Respectfully Submitted,

7 WILLOUGHBY & ASSOCIATES

8 

9 DANIELLE R. CLAXTON, ESQ.  
10 Attorney for Plaintiff  
11 BRITTENY STARLING